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March 16, 2001

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA COURIER

Magalie Roman Salas, Esquire
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Attention: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

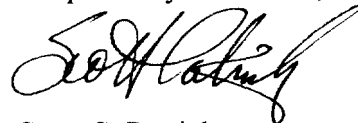
Re: KTRE-DT, Lufkin, Texas
Facility ID No. 68541
Further Supplement to Petition to Amend the DTV Table of Allotments

Dear Ms. Salas:

On behalf of Civic License Holding Company, Inc., permittee of KTRE-DT, Lufkin, Texas, there are transmitted herewith an original and five copies of a further supplement to its *Petition for Rule Making*, submitted May 1, 2000, proposing a substitution of channel 11 for channel 43 as the station's paired DTV allocation.

If any additional information is needed in connection with this matter, please contact me.

Respectfully submitted,



Scott S. Patrick

Enclosure

cc (w/encl.): Mr. H. John Morgan (FCC; Courier Delivered Stamp-and-Return copy)
Ms. Nazifa Naim (FCC; Courier Delivered Stamp-and-Return copy)

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MAR 16 2001

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In the Matter of)
)
Amendment of Section 73.622(b)) MM Docket No. _____
Table of Allotments,) RM- _____
Digital Television Broadcast Stations)
(Lufkin, Texas))
)

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

**FURTHER SUPPLEMENT TO CIVIC LICENSE HOLDING COMPANY, INC.'S
PETITION FOR RULE MAKING TO AMEND THE DTV TABLE OF ALLOTMENTS**

Civic License Holding Company, Inc. ("Civic"), permittee of KTRE-DT, Lufkin, Texas, by its attorneys, hereby submits a further supplement to its Petition to institute a rule making to amend Section 73.622(b), the DTV Table of Allotments, by substituting Channel 11 as the station's paired DTV allocation for the transition period in lieu of Channel 43, as originally allotted. So long as full power stations satisfied notification requirements, Congress intended to preserve the ability of DTV stations to maximize and expressly directed the Commission to permit stations to change DTV channels to resolve a "technical problem."¹ Because changing KTRE-DT's allotment to Channel 11 will resolve such a technical problem, Civic reiterates that Commission should promptly act on the Petition and institute a rulemaking to amend the DTV Table.

¹ 47 U.S.C. § 336(f)(1)(D).

As stated in its Petition, Civic can resolve technical tower structural loading problems by changing KTRE-DT's allotment to one that permits sharing the analog antenna and transmission line. The existing antenna structure for KTRE(TV) was designed for one TV antenna and one transmission line. By substituting Channel 11 for KTRE-DT, Civic can continue using a single antenna and transmission line, but in this instance the equipment can combine the analog and digital signals, an arrangement not permitted if the station operates with the initially allotted channel. Without this channel change, Civic would be forced to use dual antennas and dual transmission lines to support analog and digital operation. Accordingly, by resolving this technical problem, Civic can continue using the existing structure and avoid constructing a second antenna tower, which would be rendered superfluous after the close of the DTV transition when stations resume operation on a single channel, or possibly reinforcing the existing one.

Tower issues are integral to the implementation of digital television. The Commission explicitly and fundamentally based the DTV Table of Allotments on co-located analog and digital facilities² and expressed the desire and belief that broadcasters could facilitate the DTV roll-out by using existing towers.³ The issue of DTV towers is so critical that the Commission established a "DTV Tower Strike Force" specifically intended to resolve tower problems that may arise.⁴ There is no question that problems relating to tower structural loading and

² Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, *Sixth Report and Order*, MM Docket No. 87-268, 12 FCC Rcd 14588, at ¶102 (1997).

³ Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, *Fifth Report and Order*, MM Docket No. 87-268, 12 FCC Rcd 12809, at ¶91 (1997).

⁴ The Commission said that the DTV Tower Strike Force would "aid local authorities and broadcasters by providing expedited answers to questions related to the process of assessing tower modification or construction and to facilitate the deliberations of reviewing entities" and thereby facilitate the transition to DTV. "*Commission Creates DTV Tower Strike Force to*

construction are the type of “technical problems” that Congress directed the Commission to solve preferentially over prospective Class A service. Moreover, as also described in the Petition, Civic’s proposed DTV channel change would permit effective maximization on a VHF channel with improved signal coverage. Because the proposal would resolve these technical problems, the Commission accordingly is required to grant KTRE-DT’s channel change petition, notwithstanding any effect on prospective Class A stations.

THEREFORE, for the reasons previously set forth in the Petition for Rule Making, its supplement, and provided herein in this further supplement, Civic respectfully reiterates its request that the Commission initiate a rule making proceeding promptly to amend Section 73.622(b) of its Rules to substitute Channel 11 for Channel 43 for use by KTRE-DT at the allotted reference point in Lufkin, Texas. Without this channel change, two antennas and two transmission lines would be required to support dual analog and digital operation. The proposal would resolve technical problems of tower structural loading and permit effective maximization. Because of the impending DTV construction deadline and the efficiencies associated with

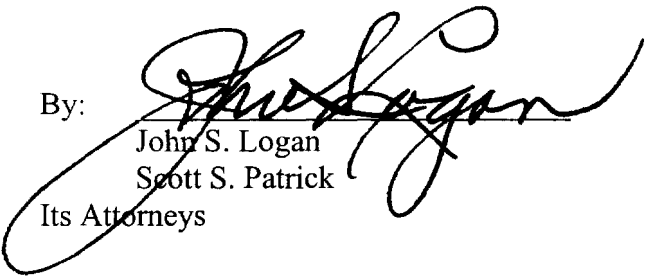
Target Potential Problems in Implementing Digital Television,” FCC News Report No. MM 98-6 (May 29, 1998).

concurrent construction, Civic respectfully urges the Commission to initiate this proceeding as soon as possible.

Respectfully Submitted,

CIVIC LICENSE HOLDING COMPANY, INC.

By:


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Its Attorneys

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Dated: March 16, 2001